

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

System and Method for Updating User Home Automation Systems

the specification of which (check one)

X is attached hereto.

_____ was filed on _____
as Application Serial No. _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s): _____ Priority Claimed _____
 _____ Yes _____ No
 (Number) (Country) (Day/Month/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial #)

(Filing Date)

(Status)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John W. Henderson, Jr., Reg. No. 26,907; James H. Barksdale, Jr., Reg. No. 24,091; Thomas E. Tyson, Reg. No. 28,543; Robert M. Carwell, Reg. No. 28,499; Jeffrey S. LaBaw, Reg. No. 31,633; Douglas H. Lefevre, Reg. No. 26,193; Casimer K. Salys, Reg. No. 28,900; David A. Mims, Jr., Reg. No. 32,708; Anthony V. England, Reg. No. 35,129; Volel Emile, Reg. No. 39,969; Leslie A. Van Leeuwen, Reg. No. 42,196; Christopher A. Hughes, Reg. No. 26,914; Edward A. Pennington, Reg. No. 32,588; John E. Hoel, Reg. No. 26,279; Joseph C. Redmond, Jr., Reg. No. 18,753; Marilyn S. Dawkins, Reg. No. 31,140; Joseph T. Van Leeuwen, Reg. No. 44,383.

Send correspondence to:

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FULL NAME OF SOLE OR FIRST INVENTOR: Herman Rodriguez

INVENTOR'S SIGNATURE: Herman Rodriguez **DATE:** Oct. 24, 2000

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CITIZENSHIP: USA

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FULL NAME OF SECOND INVENTOR: Newton James Smith, Jr.

INVENTOR'S SIGNATURE: Newton James Smith, Jr. DATE: 10/26/00

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Austin, Texas 78726

CITIZENSHIP: USA

POST OFFICE ADDRESS: 11002 Bitterroot Circle
Austin, Texas 78726

FULL NAME OF THIRD INVENTOR: Clifford Jay Spinac

INVENTOR'S SIGNATURE: Clifford Jay Spinac DATE: 10/26/00

RESIDENCE: 13428 Anarosa Loop
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CITIZENSHIP: USA

POST OFFICE ADDRESS: 13428 Anarosa Loop
Austin, Texas 78727-1400

RECORDATION FORM COVER SHEET
PATENTSJC917 U.S. PTO
09/704573
11/03/00

To the Assistant Commissioner of Patents:
Please record the attached original documents or copy thereof.

1. Name of conveying party(ies)

Herman Rodriguez
Newton J. Smith, Jr.
Clifford J. Spinac

2. Name and address of receiving party(ies)

International Business Machines Corporation
New Orchard Road
Armonk, New York 10504

3. Nature of Conveyance:

X Assignment

Execution Date: 10/26/00

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 10/26/00

A. Patent Application No.(s)

B. Patent No.(s)

5. Name and address of party to whom correspondence concerning document should be mailed:

David A. Mims, Jr.
IBM Corporation
Intellectual Property Law
Internal Zip 4054
11400 Burnet Road
Austin, TX 78758
(512) 823-0950

6. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) \$40.00

X Authorized to be charged to deposit account

8. Deposit account number:

09-0447

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9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

DAVID MIMS JR.

Name of Person Signing

David Mims Jr.

Signature

10/27/00

Date

11/06/2000 VYANG1 00000059 090447 09704573

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ASSIGNMENT

Whereas we,

(1) Herman Rodriguez of Austin
County of Travis and State of Texas

and

(2) Newton J. Smith, Jr. of Austin
County of Travis and State of Texas

and

(3) Clifford J. Spinac of Austin
County of Travis and State of Texas

have invented certain improvement in:

System and Method for Updating User Home Automation Systems

and executed a United States patent application therefore on

(Date Inventor Signed Declaration) (1) Oct. 26, 2000; and
(2) 10/26, 2000; and
(3) 10/26, 2000..

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at Armonk, New York 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefore;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, I, the above named, hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and I request the Commissioner of Patents to issue any Letters Patent granted upon the invention set forth in said application to IBM, its successors and assigns; and I hereby agree that IBM may apply for foreign Letters Patent on said invention and I will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

(1) Signed at Austin on Oct. 26, 2000.

Herman Rodriguez
Herman Rodriguez

(2) Signed at Austin on 10/26, 2000.

Newton J. Smith, Jr.
Newton J. Smith, Jr.

(3) Signed at Austin on 10/26, 2000.

Clifford J. Spinao
Clifford J. Spinao